

IN THE MICHIGAN COURT OF APPEALS

ORDER

Re: **Edith Lobsinger v Tiseo Brothers Inc**

Docket No. **291213**

L.C. No. **08-126625-NO**

Brian K. Zahra, Judge, acting under MCR 7.211(E)(2), orders:

The motion to strike is GRANTED and the plaintiff-appellee's brief is STRICKEN.

Plaintiff-Appellee may file a replacement brief within 21 days of the Clerk's certification of this order excluding Exhibit D, the City of Wayne's March 22, 2008, letter, and any references to the July 30, 2009, affidavit of Phyllis Deichert. This order does not preclude plaintiff-appellee from citing to the transcript of the March 6, 2009, hearing on the motion for summary disposition in which the existence and content of the city's letter was discussed.

The time for filing the city's reply brief will be calculated under MCR 7.212(G), starting from the date of service of plaintiff-appellee's replacement brief.



A true copy entered and certified by Sandra Schultz Mengel, Chief Clerk, on

August 20, 2009
Date

Sandra Schultz Mengel
Chief Clerk